

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE

ALEATHA JESSIE

Debtors

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CHAPTER 13

CASE NO: 16-10131ELF

**CERTIFICATION OF NO RESPONSE TO MOTION TO DETERMINE THE VALUE
OF SECURITY AND CREDITOR'S SECURED STATUS**

The Debtor, through counsel, hereby avers:

1. On July 10, 2016, Debtor filed the above-captioned motion to determine the value of her residence and the secured status of creditor Citizens Bank of Pennsylvania (the "Motion" and "Citizens" respectively).

2. On July 10, 2016, the Motion and Notice of Motion – along with a copy of the First Amended Plan – was served on Citizens, pursuant to Fed. R. Bankr. P. 7004 by certified mail to the attention of the CEO of Citizens, Daniel K. Fitzpatrick. A copy of delivery confirmation and return receipt is attached as Exhibit "A".

3. Pursuant to Local Bankruptcy Rule 9014-3(i), any response to the Motion was due no later than July 25, 2016.

4. As of this date, no response has been filed to the Motion.

5. The Motion is treated as a contested matter under Fed. R. Bankr. P. 9014. Rule 9014(c) incorporates, inter alia, Fed. R. Bankr. P. 7055. Rule 7055, in turn, incorporates Fed. R. Civ. P. 55, governing defaults.

6. Under Rule 55, when an answer is not timely filed, the entry of default is required. See Orange Theatre Corp. v. Rayherstz Amusement Corp., 130 F.2d 185 (3d Cir. 1942) (when the defendant has failed to file a timely responsive pleading, the entry of default under Rule 55 is ministerial); In re Antell, 155 B.R. 921, 924 (Bankr. E.D. Pa. 1992). See also Order dated 01/31/2011, In re Felder, No. 10-19112 (Doc. No. 41).

WHEREFORE, Debtor prays that the Court enter the proposed order (Doc No. 24) granting the relief requested in the Motion.

/s/ Alfonso Madrid
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